

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

SHANNON WILLIAMS,)	
)	
Plaintiff,)	8:11CV446
)	
v.)	
)	
REYNOR RENSCH & PFIEFFER,)	MEMORANDUM AND ORDER
TERRY HADDOCK, JOHN STUCK,)	
JOHN BRAZDA, et al.,)	
)	
Defendants.)	
_____)	

This matter is before the Court on plaintiff's untimely Notice of Appeal of the Court's March 29, 2012, Memorandum Opinion and Order and Judgment (Filing No. [89](#)). This Notice of Appeal is untimely because it was filed more than 10 months after the Court's Judgment. (See Filing Nos. [59](#) and [89](#).)

Also pending is plaintiff's timely filed Notice of Appeal of the Court's December 14, 2012, Memorandum and Order (Filing No. [91](#).) However, plaintiff did not submit the \$455.00 appellate filing fee, nor did he submit a motion to proceed in forma pauperis ("IFP"). (See Filing No. [98](#).) Plaintiff was not previously given leave to proceed IFP in the district court.

IT IS THEREFORE ORDERED:

1. Plaintiff's Notice of Appeal of the Court's March 29, 2012, Memorandum Opinion and Order and Judgment (Filing No. [89](#)) is untimely. The clerk of the court shall not process this Notice of Appeal.

2. With regard to plaintiff's Notice of Appeal of the Court's December 14, 2012, Memorandum and Order, plaintiff shall have until March 8, 2013, to either submit the \$455.00 appellate filing fee or a motion to proceed IFP, with the required affidavit. If plaintiff takes no action, his appeal will not be processed.

3. Plaintiff is reminded that the Prison Litigation Reform Act makes the prisoner liable for payment of the full \$455.00 appellate filing fee regardless of the outcome of the appeal. An incarcerated civil appellant is required to pay the full amount of the \$455.00 filing fee by making monthly payments to the Court, even if he is proceeding in forma pauperis. [28 U.S.C. § 1915\(b\)](#).

4. The clerk of the court shall not process plaintiff's Notice of Appeal of the Court's December 14, 2012, Memorandum and Order (Filing No. [91](#)), until further order of the Court.

5. The clerk of the court is directed to forward a copy of this Memorandum and Order to the parties and to the Eighth Circuit Court of Appeals.

DATED this 11th day of February, 2013.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court

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